

IN THE UNITED STATES COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY REID, et. al.,
PLAINTIFFS

HON. GERALD McHUGH

v.
JOHN WETZEL, et. al.,
DEFENDANTS

CIVIL ACTION
NO. 21-CV-5108

MOTION TO AMEND LIST OF PLAINTIFFS

PLAINTIFFS IN THE ABOVE CAPTIONED SEEK TO AMEND THE LIST OF PLAINTIFFS TO INCLUDE ALFONZO SANCHEZ, WHO IS SIMILARLY SITUATED, NUNC PRO TUNC BY LEAVE OF THIS HONORABLE COURT, IN ACCORDANCE WITH Fed. R. Civ. P. 15(B). PLAINTIFFS ARE PERMITTED TO AMEND, ESPECIALLY SINCE THIS CASE IS PRE-TRIAL AND THE DEFENDANTS HAVE YET TO RESPOND TO THE INITIAL COMPLAINT. AS WELL AS THE FACT THAT THESE PROCEEDINGS HAVE BEEN PLACED ON HOLD PENDING REVIEW BY THE COURT IN BUSANET V. WETZEL, CIVIL ACTION NO. 21-4286.

STANDARD OF REVIEW

"THE U.S. SUPREME COURT...PERMITS THE DENIAL OF A MOTION TO AMEND ONLY UPON FINDING OF UNDUE DELAY, BAD FAITH OR DILATORY MOTIVE ON THE PART OF THE MOVANT, REPEATED FAILURE TO CURE DEFICIENCIES BY AMENDMENTS PREVIOUSLY ALLOWED, UNDUE PREJUDICE TO THE OPPOSING PARTY OR THE FUTILITY OF THE AMENDMENT." A-1 ADVANCED MOVING AND STORAGE, IN V NORVERGENCE INC. (IN re NORVERGENCE INC.) 428 B.R. 663 (3d Cir 2010).

PURSUANT TO FOMAN V. DAVIS 371 U.S. 178, 182, A MOTION TO AMEND IN ORDER TO ADD NEW PLAINTIFFS MUST FREELY BE GRANTED. DEFENDANTS, AS PARTIES OPPOSING THE MOTION TO AMEND, CARRY THE BURDEN TO SHOW PREJUDICE IF PLAINTIFFS ARE SUCCESSFUL IN OBTAINING THE REQUESTED RELIEF.

ARGUMENT

PLAINTIFFS IN THIS CIVIL ACTION RESPECTFULLY PRESENT TO THIS HONORABLE COURT THAT MR. SANCHEZ WAS UNABLE TO FILE IN JOINDER WITH THE REST OF PLAINTIFFS DUE TO NO FAULT OF HIS OWN. THE Pa.D.O.C. REMOVED MR. SANCHEZ FROM THE CAPITAL CASE UNIT (CCU) AND HOUSED HIM IN THE RESTRICTED HOUSING UNIT (RHU). MR. SANCHEZ WAS RESTRICTED FROM CONTACT WITH VIRTUALLY EVERYONE. HE HAD NO CONTACT WITH THE ATTORNEYS REPRESENTING HIM IN HIS CAPITAL CASE LITIGATION. NOR DID HE HAVE CONTACT WITH HIS FELLOW CAPITAL CASE PRISONERS. MR. SANCHEZ HAD NO WAY OF KNOWING, THROUGH NO FAULT OF HIS OWN, THAT THIS §1983 CIVIL RIGHTS ACTION WAS BEING FILED. ONLY RECENTLY HAS MR. SANCHEZ BEEN RELEASED FROM THE RESTRICTED HOUSING UNIT.

AS SOON AS MR. SANCHEZ WAS RELEASED FROM THE RESTRICTED HOUSING UNIT (RHU) AND BROUGHT UP TO DATE ON THIS §1983 CIVIL RIGHT ACTION, HE INFORMED PLAINTIFF RICHARD LAIRD TO INITIATE THIS AMENDMENT, THUS ELIMINATING ANY INORDINANTE DELAY. PLAINTIFFS HAVE SOUGHT THIS

AMENDMENT OF THE LIST OF PLAINTIFFS IN GOOD FAITH WITH JUDICIAL ECONOMY IN MIND, AND NOT FROM DILATORY MOTIVE.

DEFENDANTS WILL NOT BE PREJUDICED AS THE NAMED DEFENDANTS, FACTS. PLACES AND ACTIONS ARE THE SAME FOR MR. SANCHEZ AS THE REST OF THE PLAINTIFFS IN THIS CIVIL ACTION. DEFENDANTS WILL ESPECIALLY NOT BE PREJUDICED AS THEY HAVE YET TO RESPOND TO THE INITIAL COMPLAINT, THEREFORE AMENDED COMPLAINT WILL NOT BE NECESSARY.

HISTORY OF ALFONZO SANCHEZ

WITH THE ABOVE IN MIND PLAINTIFFS PRESENT MR. ALFONZO SANCHES TO THIS HONORABLE COURT:

PLAINTIFF ALFONZO SANCHEZ #QN8700 IS A 41 YEAR OLD RESIDENT OF SCI-PHOENIX. MR. SANCHEZ WAS SENTENCED TO DEATH IN BUCKS COUNTY, PENNSYLVANIA. IN NOVEMBER OF 2008 HE WAS TRANSFERRED TO SCI-GRATERFORT WHERE HE WAS PLACED IN SOLITARY CONFINEMENT. IN DECEMBER OF 2008 MR. SANCHEZ WAS TRANSFERRED TO SCI-CAMPHILL, WHERE HE WAS AGAIN PLACED IN SOLITARY CONFINEMENT. IN FEBRUARY OF 2009 MR. SANCHEZ WAS TRANSFERRED TO SCI-GREENE, HOUSED ON THE CAPITAL CASE UNIT (CCU) IN SOLITARY CONFINEMENT.

MR. SANCHEZ HAS A EXTENSIVE HISTORY OF ACTIVITIES IN WHICH HE HAS SUFFERED SEVERE HEAD TRAUMA. AUTOMOBILE ACCIDENT, ATV ACCIDENT. BOXING. MMA FIGHTING. HE FELL OFF OF A ROOF. (JUST TO LIST A FEW). AS A RESULT OF SAID HEAD TRAUMA, MR. SANCHEZ WAS DIAGNOSED WITH CONCUSSION(S). SAID CONCUSSION(S) HAVE A DEBILITATING EFFECT ON MR. SANCHEZ. HE SUFFERS MOOD SWINGS. A SENSITIVITY TO LIGHT, SOUND, ETC. MR. SANCHEZ HAS BEEN PREVIOUSLY DIAGNOSED AND TREATED FOR ADHD, PTSD, SEVERE ANXIETY. PERSONALITY DISORDER. (MEDICATION HAS BEEN PRESCRIBED). MR. SANCHEZ'S DIAGNOSES AND TREATMENT BEGAN AT THE AGE OF 3 YEARS OF AGE.

AFTER SUFFERING THE CONDITIONS OF SOLITARY CONFINEMENT PLAINTIFF SANCHEZ FOUND HIMSELF EXPERIENCING DEPRESSION. ANXIETY. INSOMNIA. NIGHTMARES. HE SUFFERS FROM BACK PAIN. NECK PAIN. HIS KNEES AND ANKLES ARE GIVING HIM PAIN.

EVEN THOUGH PLAINTIFF SANCHEZ HAS BEEN RELEASED FROM SOLITARY CONFINEMENT, HE IS STILL EXPERIENCES THE HARSH AND DEBILITATING EFFECTS OF THE CRUEL AND UNNECESSARY TREATMENT AT THE HANDS OF THE Pa.D.O.C.

CONCLUSION

FOR THE FOREGOING REASONS, ALL PLAINTIFFS IN THE ABOVE CAPTIONED CIVIL ACTION RESPECTFULLY REQUEST THAT MR. ALFONZO SANCHEZ BE ADDED TO THE LIST OF PLAINTIFFS.

I, ALFONZO SANCHEZ, HAVE READ AND UNDERSTAND THE COMPLAINT (REID V. WETZEL. CV NO. 21-CV-5108) AND FULLY AGREE WITH ALL ASPECTS OF THE COMPLAINT.

Alfonzo Sanchez
ALFONZO SANCHEZ #QN8700
SCI-PHOENIX

8-17-23
DATE

Rick Laird
RICHARD LAIRD #AT0811
SCI-PHOENIX

8-17-23
DATE

CERTIFICATE OF SERVICE

PLAINTIFFS HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING HAS BEEN SERVED UPON THE FOLLOWING BY FIRST CLASS MAIL:

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UNITED STATES DISTRICT COURT
PHILADELPHIA PA 19106-9865

JOSEPH G. FULGINITY, ESQ.
Pa. DEPARTMENT OF CORRECTIONS
1920 TECHNOLOGY PARKWAY
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Rick Laird
RICHARD LAIRD #AT0811
SCI-PHOENIX
1200 MOKYCHIC DRIVE
COLLEGEVILLE PA 19426

8-17-23
DATE

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
PHILADELPHIA PA 19106-9865

RE: RIED, et.al. v. WETZEL, et.al.
CIVIL ACTION NO. 21-CV-5108

DEAR CLERK OF COURTS,

ENCLOSED PLEASE FIND A MOTION TO AMEND LIST OF PLAINTIFFS WITH
ACCOMPANYING PETITION TO PROCEED IN FORMA PAUPERIS THAT IS BEING FILED
IN THE ABOVE CAPTIONED §1983 CIVIL ACTION.

THANK YOU FOR YOUR ATTENTION IN THIS MATTER.

Rick Laird
RICHARD LAIRD #AT0811
SCI-PHOENIX
1200 MOKYCHIC DRIVE
COLLEGEVILLE PA 19106

8-17-23
DATE

CC:FILE

ALFONZO SANCHEZ #QN8700
SCI - PHOENIX
1200 MOKYCHIC DR.
COLLEGEVILLE PA 19426

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